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# Proposed Commercial Fisheries Licensing Policy for Eastern Canada





# **Proposed Commercial Fisheries Licensing Policy for Eastern Canada**

Department of Fisheries and Oceans

May 1988



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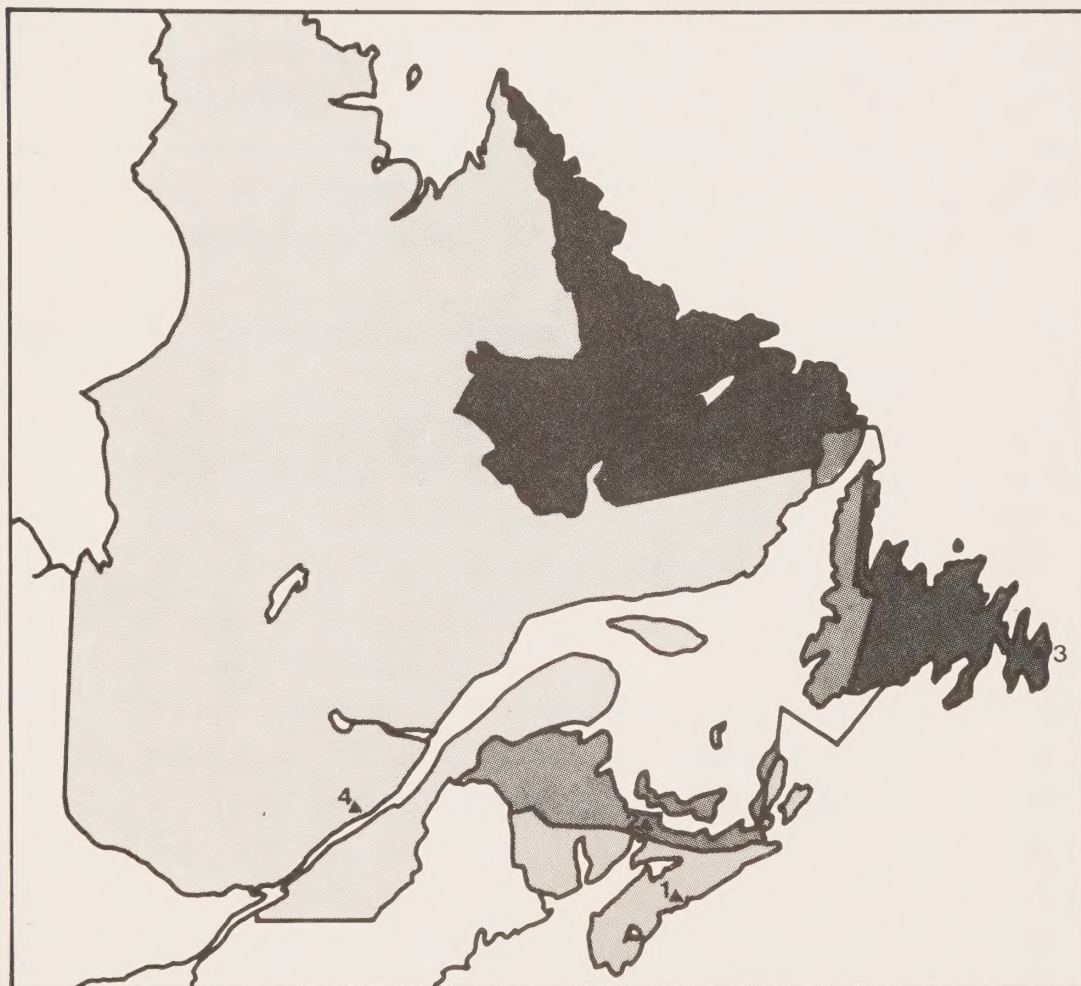
"Egalement disponible en francais  
sous le titre: Proposition - Politique  
de délivrance des permis pour la pêche  
commerciale dans l'Est du Canada"



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# ATLANTIC FISHERIES SERVICE REGIONS

## RÉGIONS DU SERVICE DES PÊCHES DANS L'ATLANTIQUE



SCOTIA-FUNDY  
SCOTIA-FUNDY



GULF  
GOLFE




NEWFOUNDLAND  
TERRE-NEUVE



QUEBEC  
QUÉBEC

### REGIONAL HEADQUARTERS BUREAUX RÉGIONAUX

1. Halifax
2. Memramcook (Moncton)
3. St. John's
4. Quebec/Québec



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## CHAPTER ONE

### 1. INTRODUCTION

Licensing policies for the marine fisheries of Eastern Canada must take into account the fact that for the most part, the fishing industry tends to be located in areas of scarce alternative employment opportunities, but that completely unregulated entry to the fishery can lead to over-capitalization, elimination of net returns above costs and even to resource depletion. Added to this background is a situation where, in virtually every fishery throughout the Atlantic, sufficient or even excess fishing capacity already exists. Furthermore, the resource and the social and economic forces in play vary tremendously from area to area.

The federal Department of Fisheries and Oceans' approach to licensing favours limiting access to the fishery as much as is necessary to provide for an orderly harvesting of the fishery resource, to promote satisfactory incomes to the average participant and, finally, to adopt policies which are consistent where consistency is desirable and practical, while at the same time recognizing that specific unique measures may be necessary for specific fisheries and geographical locations of Eastern Canada.

#### 1.1 PURPOSE OF POLICY DOCUMENT

This policy document attempts to provide fishermen and other interested Canadians with a clear, consistent statement of Fisheries and Oceans policy respecting the registration of commercial fishermen and vessels, and the issuance of fishing licences to persons in Eastern Canada. This policy document also provides objectives against which the appropriateness and effectiveness of specific policy measures can be evaluated.



## 1.2 WHY LICENSE?

### 1.2.1 Legislative Background

Due to its constitutional responsibility under the Constitution Act, 1867 (formerly the British North America Act) for seacoast and inland fisheries, the Parliament of Canada on behalf of the Canadian public has the legislative power to regulate the fishery wherever it is exercised. With respect to licensing, however, the Federal mandate is restricted to tidal waters. In non tidal waters the fishery is the subject of property rights and licensing is a responsibility of Provincial legislatures.

Following references to the Privy Council and several court decisions, formal agreements were negotiated during the period 1899 and 1930 between the federal government and a number of provinces. As a result, the federal government made special arrangements concerning day-to-day management for all fisheries in the provinces of Ontario, Manitoba, Saskatchewan and Alberta, and for some fisheries in the provinces of Quebec (where the province manages freshwater and salmon fisheries), and British Columbia (where the province manages freshwater species, excepting salmon). In these six provinces (or areas thereof), federal fisheries legislation is administered by the provincial fisheries management agency, although provincial fisheries regulations must be promulgated by the federal government.

The Constitution Act (1982) assigns legislative responsibility for Canada's sea coast and inland fisheries to the federal government. As such, the federal government has constitutional authority for all fisheries in Canada, and it retains direct management authority for fisheries in the Atlantic Provinces of Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island; for the marine and anadromous salmon fisheries of British Columbia; for the marine fisheries of Quebec; and for the fisheries of the Yukon and Northwest Territories.

### 1.2.2 What is a licence?

#### (a) General

- A "licence" grants permission to do something which, without such permission, would be prohibited. As such, a licence confers neither property nor any proprietary or contractual rights which can be legally sold, bartered or bequeathed. Essentially, it is a privilege to do something, subject to the terms and conditions of the licence.

#### (b) Fishing Licence

- A "fishing licence" is an instrument by which the Minister of Fisheries and Oceans, pursuant to his authority under the Fisheries Act, grants permission to a person (an individual or a company) to harvest a certain species of fish, subject to the conditions attached to the licence. This is in no sense a permanent permission; what the licensee essentially acquires is a limited fishing privilege rather than any kind of absolute or permanent 'right'.
- A fishing licence grants private access to, and use of, a common property resource - such a resource cannot be alienated to "private ownership" (private property) without extinguishing its "common property" nature.

### 1.3 LICENSING OBJECTIVES

The basic objectives of the "Commercial Fisheries Licensing Policy for Eastern Canada" are:

#### 1. CONSERVATION

- to aid conservation of the fisheries resource

**2. ECONOMIC VIABILITY**

- to promote the stability and economic viability of fishing operations

**3. DISTRIBUTION**

- to promote equitable distribution of access to the fisheries resource

**4. FLEET DEVELOPMENT**

- to promote orderly fleet development by controlling the number, size, and types of new vessels.

**5. FISHERIES MANAGEMENT**

- to facilitate necessary data collection for regular administration, enforcement, and planning purposes.



## CHAPTER TWO

### 2. THE GENERAL POLICY FRAMEWORK

#### 2.1 APPLICATION OF POLICY

This policy applies to the registration of fishermen, the registration of fishing vessels and the issuance of fishing licences to engage in commercial fishing in Canadian fisheries waters on the Atlantic Ocean and the NAFO Convention Area. This policy also applies to commercial freshwater fisheries in the provinces of Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island but not in the province of Quebec or to fishing for anadromous or catadromous fish within the tidal waters of Quebec.

#### 2.2 REGISTRATION OF FISHERMEN

- . All persons 16 years of age and over participating in commercial fisheries shall be registered annually with the Department of Fisheries and Oceans;
- . Fishermen Registrations shall be issued on application and payment of the appropriate fee, (i.e., on demand);
- . A Fisherman's Registration shall not be issued to a person unless that person;
  - (a) is a Canadian citizen; or
  - (b) is a permanent resident (landed immigrant).

##### 2.2.1 Categorization of Fishermen

- . Every person registered as a commercial fisherman shall be categorized on an annual basis.

- . In Lobster Fishing Areas 23, 24, 25, 26, and the Gulf portion of 27 fishermen will be categorized as:
  - (a) bonafide or commercial; when utilizing vessels less than 50' LOA and
  - (b) full-time or part-time when utilizing vessels 50' LOA and over.
- . In all other areas fishermen will be categorized as either full-time or part-time.

#### **2.2.1.1 Definition of Full-time, Part-time, Bonafide, and Commercial**

##### **Full-time**

A full-time fisherman is any person who fishes consistently on a commercial basis for the required period of time for his/her area without other employment during that period, with the exception of self-employment in the primary industries on a limited basis (e.g. fisherman/farmer, fisherman/logger), and has been registered as a commercial fisherman for the previous two years. The required period of time is that period of time established by fishermen's committees for a given area (Annex I) and may be varied to take into account variations in conditions from year to year. Therefore, a registered commercial fisherman who did not have other employment and fished annually for the required period of time in the 24-month period, immediately preceeding the categorization date, will fall with the full-time category.

Other employment does not include self-employment in farming or logging on a limited basis; however, this does not exempt the fisherman/farmer or fisherman/logger from fishing the required period of time. It also does not include incidental or occasional jobs during the required period provided that the registered commercial fisherman participates in the fishery in a similar manner to others in his community who have no work outside the fishery. Employment outside of the required period of time does not affect the person's full-time status.

In the province of Newfoundland this definition does not exclude from the full-time category any person who may have employment outside the fishery for up to 30 days during the fishing season.

### **Part-time**

A part-time fisherman is a registered commercial fisherman who does not meet the requirements of a full-time fisherman.

### **Bonafide**

The bonafide category applies only to fishermen fishing from vessels less than 50' LOA located in the southern Gulf of St. Lawrence (Gulf Region 4T). The number of bonafide fishermen is frozen at the current level. The only method of becoming bonafide is by obtaining the bonafide status of an existing fisherman leaving the fishery subject to the requirements of this policy.

The bonafide category is assigned to any person, who

- (a) in 1983 fished in Lobster Fishing Areas 24, 25, 26, or in the Gulf portion of 27, or
- (b) in 1984 fished in Lobster fishing Area 23;

who was registered as a commercial fisherman, and the holder of limited fishery licence, subject to meeting one of the following three conditions:

- (1) was the holder of a Category A lobster fishing licence.
- (2) showed proof of 75 percent or more of his income from fishing using his own boat and/or equipment except where this boat and/or equipment is not required.
- (3) showed proof of sales of fish in 1983, with a landed value in excess of \$15,000 using his own boat and/or equipment except where this boat and/or equipment is not required.



## **Commercial**

A commercial fisherman is a registered fisherman who does not meet the requirements of a bonafide fisherman.

### **2.2.1.2 General Policy Guidelines**

- . A fisherman's category will be downgraded only if that fisherman does not meet the requirements for full-time status for two consecutive years.
- . A fisherman will not lose any fishing licences on being downgraded to part-time with the exception of the current restriction in the salmon and herring fixed gear fisheries in Newfoundland.
- . However, when a specific species is being over-fished, one or more of the following restrictions may be imposed on part-time fishermen:
  - (a) restriction on reissuance of licences to another person,
  - (b) restriction on obtaining additional licences,
  - (c) stricter vessel replacement restrictions,
  - (d) a licence moratorium.

## **2.3 VESSEL REGISTRATION AND OWNERSHIP**

- . Every vessel used in a commercial fishery must be registered annually in the name of the licence holder with the Department of Fisheries and Oceans.
- . A vessel can only be registered in the name of one licence holder at a given time.
- . A vessel will be registered by the Department on application, the payment of the proper fee and the provision of the required data on the vessel characteristics by the applicant.

- . Only Canadian registered vessels may be registered with the Department of Fisheries and Oceans.
- . A survey or measurement of the vessel may be required.
- . Vessel Registrations are only available to individuals or corporate entities which hold at least one fishing licence.
- . Vessels to be registered must be of an appropriate size for the fishery in which it will be utilized. (see Chapter Three)
- . A licence holder is not required to own the vessel he registers and operates under licence.
- . However, an applicant must file with the Department, particulars on the ownership of vessels and advise the Department within 15 days when changes in ownership or vessel characteristics occur.

#### **2.3.1 Leasing of a Foreign Registered Vessel**

The following will apply to the temporary replacement with foreign registered vessels of licensed Canadian fishing vessels.

1. This policy applies to vessels permanently removed, or rendered unserviceable for a period of four months or more (e.g., sinking, fire) within the preceding 12-month period.
2. A maximum period of two years duration (from the date of vessel removal) is allowed for a lease.
3. The leased vessel must be crewed by registered Canadian fishermen except where the Minister approves a specified number of non-Canadians.
4. The leased vessel is to be of similar catching capacity, must operate on the same fishing plan, and the catch must be delivered to the same plant or plants as the vessel being replaced.

5. Freezer trawlers may be leased to replace wetfish trawlers, but the processing (filleting) of traditional groundfish species at sea will not be permitted.
6. All requests for the leasing of foreign vessels require Ministerial approval.

## **2.4 LICENCES AND GENERAL CONDITIONS OF LICENSING**

The following general policy guidelines are followed by the Department for all commercial fisheries:

- . A species of fish may be fished commercially only if the fisherman holds a licence where required as indicated in Annex II authorizing him to fish that species of fish.
- . Limits on the number of such licences issued will be determined on the basis of both biological and economic considerations.
- . For vessels less than 65 feet LOA a licence will be issued in the name of an individual fisherman (grandfather provisions apply to cases where licences already have been issued in company names) to use a specified registered vessel in a specified fishery.
- . Licence renewal and payment of fee is mandatory on a yearly basis, including periods of banking, except where a fishery is closed by government for conservation purposes. Under these circumstances the licence will be issued but the fee will be waived.
- . Reissuance of a licence not renewed for a one year period may be approved under the following extenuating circumstances:
  - (a) documented personal health problems;
- . Licences not renewed for more than one year may only be reissued with the permission of the Regional Director General based on the above extenuating circumstances.



- . A licence for a limited entry fishery for a species of fish (Annex II) may only be issued to a person who:
  - (a) held such a licence for a given species in the preceding calendar year and did not relinquish the licence to another person; or
  - (b) who obtains such a licence from another person through a reissuance; or
  - (c) who obtains a new licence through the procedures outlined in Section 2.8
- . A bait-fishing licence shall only be issued to a registered commercial fisherman who is the holder of a licence which authorizes him or her to engage in commercial fishing for a species of fish by a method which traditionally includes the use of bait in such fishery, (i.e., lobster, crab, groundfish longline, tuna, swordfish).
- . Licence holders utilizing vessels less than 65 feet LOA will be required to fish a licence personally. Licence holders in this fleet sector with more than one licence for a given species and companies may continue to designate an operator. (Grandfather provision)
- . Fishermen will be permitted to hold only one licence for a given species which can be validated for more than one gear type (i.e., longline and gillnet).
- . In the Scotia-Fundy and Gulf Regions partnerships in the lobster fishery may be created where both parties hold category A lobster fishing licences. Under such a partnership arrangement the following applies:
  - a) Both licence holders must be present on the boat during fishing operations;
  - b) The number of lobster traps fished cannot be greater than the legal number of traps for one licence plus 50 percent.

- . Licences may specify any one or more of the following conditions:

- (a) the species of fish and quantities thereof that are permitted to be taken;
- (b) the waters in which fishing is permitted to be carried out;
- (c) the period during which fishing is permitted to be carried out;
- (d) the vessel that is permitted to be used;
- (e) the person or persons permitted to operate the specified vessel;
- (f) the type and quantity of fishing gear and equipment that is permitted to be used and the manner in which it is to be used; and
- (g) the specific location at which fishing gear is permitted to be set.

- . Where because of circumstances beyond his control the holder of a licence or the operator named in a licence is unable to engage in the activity authorized by the licence or is unable to use the vessel specified in the licence, a fishery officer or other authorized employee of the Department may, on the request of the holder or his agent, authorize in writing another person to carry out the activity under the licence or authorize the use of another vessel under the licence.

#### **2.4.1 Special Employment Criteria**

##### **Lobster Fishery**

##### **Newfoundland and Gulf (Western Newfoundland)**

- . Licences may only be issued to those persons who are not employed in full-time or seasonal recurring jobs outside the commercial fishery.

##### **Scotia-Fundy**

- . Category A lobster fishing licences may only be issued to those persons who in the preceding calendar year were not employed full-time

in employment other than self-employment in primary industry employment or have any full-time seasonal employment unless he can establish that his gross annual earnings during the 12-month period immediately preceding his application for a licence does not exceed what he would have earned if paid the minimum wage plus 25 per cent during that period.

- . A Category A licence holder wishing to explore an alternate career may recess his licence for one year. The licence holder will retain a category A status for this period and can exercise the options provided by the licensing policy during that period. This recess period will be provided once per fisherman.
- . Category B lobster fishing licences may be issued to a person who was engaged in the lobster fishery in 1968 and in each subsequent year as a principal operator and who did not fulfill the employment criteria of a Category A licence holder.
- . The downgrading or upgrading of licences is not permitted.

#### **Southern Gulf (Gulf Region 4T) - All Species**

- . Bonafide fishermen cannot have year-round employment or full-time seasonal employment during the period that coincides with the fishing season in which he or she may wish to fish, except self employment in the primary industries on a limited basis (eg. fisherman/farmer or fisherman/logger).
- . The downgrading or upgrading of lobster fishing licences is not permitted.
- . Bonafide fishermen are allowed to hold their licences for a maximum of five (5) years without having to participate in the fishery. They must return to the fishery within five years or their licences will be cancelled.

#### **2.4.2 Foreign Ownership**

- If a foreign interest acquires over 49 percent of the common (voting) shares of a Canadian owned company which has fishing licences the licences cannot be retained by that firm.
- However, if such a firm having a subsidiary in Canada which owns fishing licences is taken over by another foreign owned firm from the same country the licences may be retained as part of the continuing Canadian operation (ie. no net increase in foreign ownership).
- If a foreign interest purchases a minority ownership interest in a Canadian firm or establishes a jointly-owned subsidiary with a Canadian firm in which the Canadian firm owns more than half the voting shares, licences will not have to be surrendered.
- Generally speaking, the Department will support investment projects that would benefit Canada by, for instance, utilizing a new species, introducing new technology, or opening up new markets. Similarly, the Department would not support projects that would further aggravate existing plant or vessel over-capacity, projects that required extensive public infrastructure investment (harbour, water supply, etc) or projects that would not be compatible with Department management policies.

#### **2.4.3 Fleet Separation Policy**

- The licensing policy of the Department has been directed at separating the harvesting and processing sectors of the industry particularly in the inshore fisheries (vessels less than 65' LOA).
- Under this policy new or additional fishing licences for the inshore fishery can not be issued to companies involved in the processing sector of the industry.
- Processing companies presently holding licences in this fleet sector may continue to do so but they may not acquire additional licences.



## **2.5 CHANGE OF LICENCE HOLDER**

Licences are not transferable. However, the Minister in "his absolute discretion" may for administrative efficiency prescribe in policy those conditions/requirements under which he will "reissue" an existing fishing licence to a new licence holder.

The following are those conditions under which the reissuance of an existing fishing licences to a new licence holder will be permitted:

### **Scotia-Fundy and Quebec Regions**

- . A licence to participate in a limited entry fishery may be reissued by DFO to a fisherman categorized as full-time.

### **Newfoundland Region**

- . In the Newfoundland Region, licences can only be reissued to full-time fishermen who have been so categorized for the last three consecutive years.
- . In addition in fishing areas 4, 5, 10 and 11, a lobster fishing licence can only be reissued to an individual who will utilize a vessel less than 35' LOA, less than 10 gross tons and who does not hold a supplementary crab licence.

### **Gulf Region**

- . In that portion of Newfoundland within the Gulf Region, a licence to participate in a limited entry fishing may be reissued by DFO to a fisherman categorized as full time.
- . In addition, a shrimp licence may only be reissued to the holder of a mobile gear groundfish otter trawl licence operating in the enterprise allocation program.

- . In that portion of Nova Scotia, New Brunswick and P.E.I. within the Gulf Region, individual licences or all licences held by Bonafide fishermen may be reissued to other Bonafide fishermen but this is not reversible.
- . "Limited fishery Licences" held by Commercial fishermen may be reissued to bonafide fishermen only.
- . "Specific Fishery Licences" held by Commercial fishermen may be reissued to commercial fishermen who qualify as new entrants or to Bonafide fishermen.
- . Licences held by Bonafide fishermen may be reissued only as a package (no split of any kind), to a qualified new entrant.
- . In P.E.I. oyster licences held by Bonafide or Commercial fishermen may be reissued to a fishermen categorized as commercial providing that fisherman has served an apprenticeship period of 30 days under a licensed oyster fisherman.
- . In P.E.I. marine plant licences held by Bonafide or Commercial fishermen may be reissued to a fisherman categorized as Commercial.
- . To qualify as a new entrant, a person must meet the following three conditions:
  - be registered as a commercial fisherman for the last two years;
  - be recognized as a commercial fisherman within his or her local community;
  - to have fished during the preceding two years a minimum of 10 weeks each year.
- . A bonafide fisherman will lose his status immediately after relinquishing his last licence and is not eligible for another Bonafide status for a period of 24 months. If that licence has been reissued to a new entrant, he/she will become, at that time, a bonafide fisherman.

- . When a Bonafide or Commercial fisherman relinquishes his licence for a particular species, he will not be eligible to be relicensed for that species within the next 24 months.
- . For the purposes of the above sections the following definitions apply:

"Limited Fishery Licence" - means that licences which is issued in respect of lobster, snow crab or queen crab, herring, scallop, Atlantic salmon, tuna, groundfish, shrimp, mackerel, squid where the vessels used are equipped with otter trawls or purse seines or are more than 19.8 m in overall length, swordfish or capelin.

"Specific Fishery Licence" - means all fishing licences not listed as limited under the definition of "Limited Fishery Licence" above.

- . Where there is a change in the controlling interest of a corporation that holds a licence, the corporation shall, in writing, notify the Minister of the change within 15 days from the date of change.
- . Where there is a change in the controlling interest of a corporation that holds a licence, all licences become null and void subject to Ministerial approval for reissuance.

### **All Regions**

- . A licence may only be reissued to a new licence holder once in a 12-month period.
- . A salmon licence may only be reissued within the immediate family and only if the recipient is either a full-time or bonafide fisherman.

(For the purpose of this policy immediate family members are husband/father, wife/mother, son/daughter, and brother/sister).

- . In fisheries where a decrease in the number of licences is required, a freeze on licence reissuance can be implemented until the level of fishing effort is reduced through licence attrition or buyback.
- . The following licences may not be reissued to another fisherman due to a freeze on licence reissuance:
  - (a) Category B Lobster Fishing Licences.
  - (b) Exploratory Fishing Licences.
- . Vessel sale is not a required element of licence reissuance.
- . All conditions of licence (i.e. area, gear type etc.) will be maintained on licence reissuance with the exception of historic or authorized sector overlap privileges in the inshore groundfish fishery.
- . Authorized overlaps will expire when
  - (a) the licence is reissued to another individual residing in an alternate home port division (ie. 4Vn to 4X); or
  - (b) should the present licence holder take up residence in an alternate home port division.
- . Historical overlap privileges will expire when:
  - (a) the licence is reissued to another individual;
  - (b) the vessel is seized by a lending authority; or
  - (c) the vessel is routinely replaced.
- . Historical overlap privileges will not expire when the vessel is lost through fire, sinking, etc.
- . Licence activity will not be a requirement of licence reissuance.



### **2.5.1 Licence Splits**

- Licence splits will not be permitted in fisheries where it is determined it will result in an undesirable increase in effort.
- The splitting of gear categories i.e. groundfish longline and otter trawl will not be permitted.
- The split of groundfish and shrimp, groundfish and swordfish longline, is not permitted except in Western Newfoundland and Quebec where the splitting of shrimp and groundfish licences is permitted provided the recipient of the shrimp licence holds a mobile gear groundfish licence for the same vessel category.
- Where an undesirable increase in effort will not result then licence splits will be permitted when the recipient (full-time, bonafide or Qualified New Entrant) holds one or more limited entry licence listed in Annex III.
- In the reissuance of licences to a full-time fisherman who does not hold a licence listed in Annex III, all licences are bound as a single unit (no splits).
- Licences to fish from a vessel less than 50' LOA, held by a bonafide fisherman, may only be reissued to a Qualified New Entrant as a unit (no splits).

### **2.5.2 Residency**

- Residency may be an eligibility requirement of licence issuance.
- Where residency is not an eligibility requirement of licence issuance then the licence recipient must meet the eligibility requirements for the area of the present licence holder (i.e. a

full-time fisherman wishing to obtain a licence presently issued to an individual residing in Yarmouth must meet criteria for full-time for that area).

### **2.5.3 Disposition of Licence(s) in Case of Death of Licence Holder**

- . Where the holder of a licence dies, the heir to the estate of the holder may dispose of the licence(s) with DFO approval in accordance with the policy on change of licence holder as stipulated in section 2.5 or may have up to five years to become eligible to hold the licence(s).
- . During this five year period an heir may subject to DFO approval designate an eligible operator (i.e., Fulltime or Bonafide).

### **2.6 BANKING OF LICENCES**

- . Subject to Section 2.6.1 on sale, loss or removal of a commercial fishing vessel, and subject to specific participation requirement (2.7) the licence holder will have two years to place his licence(s) on a replacement vessel except for Bonafide fishermen in the Southern Gulf of St. Lawrence where this period is five years.
- . Licence renewal and payment of fee is mandatory on a yearly basis, including periods of banking, except where a fishery is closed by government for conservation purposes.

#### **2.6.1 Vessel Repossession**

- . On receipt of notification from a Government Lending Authority (e.g., Provincial Loan Board) of vessel repossession, all fishing licences issued in respect of the vessel involved will revert to the Licensing Authority.
- . The Licensing Authority will maintain the fishing licence(s) in the name of the present licence holder for a maximum period of 60 days. This period is intended to enable the licence holder to settle or renegotiate his loan.

- . Following the expiry of the 60-day period, and in the absence of notification of a settlement from the Government Lending Authority involved, the Licensing Authority may either:
  - a) permanently retire the licence(s) in question; or
  - b) reissue the licence(s) to eligible applicant(s).
- . Historic overlap privileges in the groundfish fishery will expire upon licence reissuance to a new licence holder.

#### Groundfish Vessels 100'LOA and Greater

- . In case of vessel repossessions involving:
  - a) single-vessel companies, any licence and enterprise allocations held by the respective company may revert to the Licensing Authority for possible reallocation.
  - b) offshore companies with more than one vessel, a portion of the company's enterprise allocations equivalent to the average historical catch of the vessel repossessed may revert to the Licensing Authority for possible reallocation.

### **2.7 PARTICIPATION REQUIREMENTS**

- . Participation requirements as developed in specific Management Plans can be introduced in order to ensure the full development of a specific fishery.
- . Participation requirements will be introduced as a condition of the issuance of all exploratory licences.
- . Fisheries which participation is a requirement are listed in Annex IV.

## **2.8 ISSUANCE OF NEW OR ADDITIONAL LICENCES**

- New or additional licences for limited entry fisheries will only be issued when biological and economic factors indicate that such licence issuance can take place.
- The issuance of any new or additional licences will be offered in the following respective order of priority, as appropriate:
  - full-time, part-time, or other; or
  - bonafide, commercial, or other.
- The Minister must approve the issuance of all new or additional licences for limited entry fisheries.
- A public draw system based on criteria established in consultation with appropriate species advisory committees will be used when the number of licences is limited and where there are more applicants than licences.

### **2.8.1 Exploratory Licences**

- If a fishery is new, developing or underutilized exploratory licences may be authorized by the Minister which will be valid for a specified period.
- The issuance of such licence does not imply any further commitment by the Department of Fisheries and Oceans to issue licences on an annual basis thereafter.
- Participation requirements will be introduced as a condition of licence issuance.
- Exploratory licence holders will be given priority for permanent licences except where DFO has financed the exploratory fishery.



- . A public draw system based on biological and socio-economic criteria established in consultation with appropriate species advisory committees will be used when the number of exploratory licences is limited and where there are more applicants than licences.
- . Exploratory licences cannot be reissued to a new licence holder (Section 2.5 does not apply)

## **2.9 Specific Policies for Vessels 65' LOA and Greater - Atlantic Coast**

### **2.9.1 Freezer Trawler Policy**

- . For those who wish to fish traditional groundfish species with a freezer trawler, licences will be granted to replace vessels currently licensed in the groundfish fishery.
- . Vessels will be permitted to carry the filleting equipment necessary for processing of non-traditional species (silver hake, grenadier, argentine) but will not be permitted to fillet any traditional groundfish species.
- . Replacement freezer trawlers will be subject to the existing replacement rules.

### **2.9.2 Factory Freezer Trawler Policy**

- . A maximum of three factory freezer trawler (FFT) licences may be issued to selected East coast fishing companies. The licences will be for a five-year introductory period. (1986-1990)
- . One licence each is reserved for National Sea Products and Fishery Products International while the third licence is reserved for a company or consortium from the remaining offshore groundfish companies.

. The conditions placed on these licences are as follows:

1. At least 50 per cent of a factory trawler's catch must be made up of previously under-utilized enterprise allocations.
2. No more than 6000 t of a company's 2J3KL (Northern) cod allocation can be harvested by a factory trawler in any one year.
3. Factory trawlers will not be permitted to operate in the Gulf of St. Lawrence or the Bay of Fundy.
4. In accordance with the existing replacement rules under the present Enterprise Allocation system, to operate a factory freezer trawler, a company must retire or convert equivalent capacity from its present fleet.
5. A company must outline an acceptable plan to minimize the socio-economic/community impact.
6. All information associated with the operation of the FFTs during the introductory period must be made available to the Department of Fisheries and Oceans.
7. FFTs must be registered immediately as Canadian vessels and crewed fully by Canadians within a two-year period. Within the two-year period, the percentage of foreign crew must be approved by government.
8. FFTs will not be permitted to harvest species such as capelin where an economically efficient fishery has already been developed.

The conditions are designed to protect the interest of other sectors of the industry and to alleviate the concerns of those opposed to factory trawlers.

### **2.9.3 Vessel Replacement Rules**

- . The holder of a groundfish or shrimp licence authorized to use a vessel 65' to 99'11" LOA may not have his licence amended to authorize the use of a vessel:
  - (a) with a LOA greater than 105 percent of the LOA of the original vessel; or
  - (b) with a hold capacity that exceeds 110 percent of the hold capacity of the original vessel.
- . An application by the holder of any licence authorized for a vessel 65' LOA and greater to use a vessel other than the one set out in the licence may only be approved by the Minister.
- . The holder of groundfish licence authorized to use a vessel 100'LOA and greater may not have his licence amended to authorize the use of a vessel with a greater catching capacity than the capacity of the vessel being replaced.
- . For the purpose of vessel replacement under offshore enterprise allocations, catching capacity will be determined by the amount of fish that can be carried in a vessel's fish hold and on the average catch by that vessel using its best three years of fishing.
- . Under the offshore enterprise allocation system where improvements are made in on-board technology for reasons of attaining a better quality product, such as containerization, the size of a vessel may be increased to compensate for any decrease in hold capacity. In the event that these improvements are removed from the vessel, equivalent catching capacity would have to be retired to compensate for any previous increase in vessel size. Such changes will be assessed and approved by DFO in discussions with the enterprise.

- . To facilitate the acquisition of different size vessels as replacements, the "combining" of two or more older vessels to be retired in favour of one larger one will be permitted in the 100' and greater category, provided that the catching capacity of the replacement unit does not exceed the catching capacity of the replaced units.



### CHAPTER THREE

## 3. SPECIFIC REGIONAL LICENSING POLICIES

### 3.1 VESSEL REPLACEMENT RULES

- . Licence holders are free to decide when to replace vessels provided it is done within guidelines in respect of vessel size, and capacity.
- . Vessel replacement criteria focus on catching capability and economic returns in each fishery.

#### 3.1.1 Groundfish (All Regions)

##### Vessels less than 35' LOA

- . The holder of a licence authorized to use a vessel less than 35 feet LOA may not have his licence amended to authorize the use of any vessel greater than 34'11" LOA.
- . In Western Newfoundland (4R3Pn) part-time fishermen can replace their vessels only on a foot-for-foot basis.
- . In the Newfoundland Region (2J3KL3Ps) part-time fishermen can replace their vessels up to 22' LOA and then on a foot-for-foot basis between 22' and 34'11".
- . The holder of a licence authorized to use a vessel less than 35 feet LOA may not have his licence amended to authorize the use of any vessel with a cubic number greater than \_\_\_\_\_.

Vessels 35' to 64'11" LOA

- . The holder of a licence authorized to use a vessel within a size class set out in the tables to this section may not have his licence amended to authorize the use of any vessel:
  - (a) greater than the maximum length set out for that class; and
  - (b) with a cubic number that exceeds the specified percentage of the cubic number of the original vessel to the prescribed maximum.

VESSEL SIZE CLASSES

(Scotia Fundy/Gulf/Quebec Regions)

<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>	<u>CUBIC NUMBER</u>	
		Maximum	Permitted Increase(%)
A	35' - 44'11"		
B	45' - 64'11"		

VESSEL SIZE CLASSES

(NEWFOUNDLAND REGION)

<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>	<u>CUBIC NUMBER</u>	
		Maximum	Permitted Increase(%)
A	35-54'11"		
B	55-64'11"		

- . The combining of the cubic numbers of two or more smaller vessels for replacement with one larger vessel will be permitted, provided the vessels retired are active and the above length barriers are respected. (Specific criteria to be developed)
- . In Western Newfoundland (4R3Pn) part-time fishermen can replace their vessels only on a foot-for-foot basis.

### **3.1.2 Scotia-Fundy Region**

#### **3.1.2.1 Lobster**

- . The holder of a lobster licence for Lobster Fishing District 33 and 34 may not have his licence amended to authorize the use of a vessel greater than 45' LOA.

#### **3.1.2.2 Herring**

- . The holder of a herring drift net licence for lobster fishing District 34 may only utilize a vessel between 30' and 45' LOA.

#### **3.1.2.3 Scallop**

- . The holder of a scallop licence for the inshore Scotian Shelf or the Upper Bay of Fundy scallop fisheries may not have his licence amended to use a vessel greater than 44'11" LOA if his present vessel is less than 45' LOA, or 64'11" if his vessel is 45' to 64'11" LOA.
- . The holder of a scallop licence for the Bay of Fundy fishery may replace his vessel with one 25 percent larger every five years to a maximum of 64'11" LOA.
- . The holder of a New Brunswick mid bay scallop licence may replace up to 34'11" LOA or with a vessel 25 per cent larger every five years to a maximum of 64'11" LOA.

#### **3.1.2.4 Mackerel**

- . The holder of a mackerel purse seine licence for eastern Nova Scotia (4VW) may not have his licence amended to use a vessel greater than 44'11" LOA.

### **3.1.3 Quebec Region**

#### **3.1.3.1 Scallop, Inshore Crab, Lobster, Whelk, Capelin, Mackerel, or Herring**

- . The holder of a scallop licence may not have his licence amended to use a vessel greater than 49'11" LOA except for that portion of Scallop Fishing Area No. 18 surrounding Anticosti Island where vessels up to 64'11" LOA may be utilized.
- . The holder of an inshore crab, lobster, whelk, capelin, mackerel or herring licence may not have his licence amended to use a vessel greater than 49'11" LOA.

### **3.1.4 Newfoundland Region**

#### **3.1.4.1 Vessels less than 35' LOA (All species)**

- . Same as groundfish (3.1.1)

#### **3.1.4.2 Vessels 35'-64'11" LOA (All species)**

- . Same as groundfish (3.1.1)

### **3.1.5 Gulf Region**

#### **3.1.5.1 Vessels 50' and less LOA (All species except groundfish) Southern Gulf (4T)**

- . The holder of a licence authorized to use a vessel 45' LOA or less will be limited to a maximum vessel replacement size of 44'11" LOA.
- . The holder of a licence authorized to use a vessel 45-49'11" LOA will be limited to a maximum vessel replacement size of 49'11" LOA.



**3.1.5.2 Vessels greater than 50' LOA (All species except groundfish) - Southern Gulf (4T)**

- . The holder of a licence authorized to use a vessel within this size class may replace with a vessel 25 percent larger every 5 years to a maximum of 64'11" LOA.

**3.1.5.3 (All Species) - Western Newfoundland (4R3Pn)**

- . Same as groundfish (3.1.1)

**3.2 PROCESS OF APPROVAL OF VESSEL REPLACEMENTS**

**Sector:**

- . Prior to construction/purchase, the licence holder must prepare a "Notice of Vessel Replacement Form". This form will indicate the specifications of the vessel to be replaced and of the one to be built/purchased. A statement of certification will be provided by the licence holder at his cost specifying these measurements.
- . Decisions will be made at area level in strict accordance with existing vessel replacement policy. Questionable cases will be directed to regional HQ. Fishermen not satisfied with the decision at the area level may appeal this decision via the established appeal process.

**Regional HQ:**

- . A committee composed of a representative from licensing, economics and others as required will review those applications as referred by the Area Directors/Area Managers.

- . If uncertainties or questions were to arise on a specific case, DFO would require a survey to be completed prior to approving applications. This would be at the expense of the applicant. A list of surveyors would be provided by DFO or arrangements made to secure the services of a person agreeable to both parties.
- . Following approval or denial by the committee, the RDG would sign the application as required. If necessary, the RDG may request direction from the ADM, Atlantic.
- . After vessel completion, shipyard certification of vessel specifications must be filed with DFO prior to licence reissuance.

## CHAPTER FOUR

### 4. APPEAL PROCESS AND PROCEDURES

Any person not satisfied with the fisherman's category assigned him/her or with any Department licensing decision affecting him/her has the right of appeal.

#### 4.1 APPEAL STRUCTURE

- . Appeal Committee structures are described in Annex V.
- . The role of each Categorization Appeal Committee is to review all pertinent information and recommend:
  - (a) that an appellant's category be maintained or changed;
  - (b) changes in the categorization guidelines in accordance with local needs and conditions.
- . The role of each Licensing Appeal Committee is to review all pertinent information and recommend that an appellant's request be approved or denied.
- . All appellants will be notified in writing of the time and location of their hearing by the Department.
- . An appellant has the right to appear in person or to be represented by another person at all appeal levels.
- . An appellant will be notified in writing within 30 days as to the outcome of the appeal hearing.
- . If the recommendation is negative, the Committee will inform the appellant of details respecting how an appeal may be made to the next level.

- . The Atlantic Fisheries Licence Appeal Board will hear appeals from fishermen dissatisfied with decisions and who have had their appeals rejected by appeal committees in their areas and regions.
  - . The Board will recommend to the Minister that the appellants' request be approved or denied.
  - . The Board will consider general problems on licensing policy and make recommendations to the Minister and the Atlantic Regional Council.
  - . The Board will not consider requests for new licences in limited entry fisheries where no new licences are being issued.
  - . The Board's jurisdiction does not extend to matters pertaining to the offshore fleet.



## CHAPTER FIVE

### 5. AMENDMENT PROCEDURES

- . Where the need to change policy arises, the Regional Director General proposing the change will submit the proposal to the ADM Atlantic Fisheries for review and approval.
- . Appropriate steps will be taken to ensure fishermen are made aware of the key elements of the policy and any subsequent changes.

#### 5.1 CONSULTATIONS

- . The Department recognizes the need to provide opportunities for public review and input to decisions in the development of licensing policies which have broad biological, social and economic implications.
- . It is the policy of the Department to consult the fishing industry and provincial governments on major or controversial licensing issues and on the development of new policies and legislation with respect to licensing.
- . The Minister will consider all views expressed in arriving at a decision, consistent with the government's stated objectives.

#### 5.2 NOTIFICATION OF LICENSING POLICY AMENDMENTS TO FISHERMEN

- . Every reasonable effort will be taken by DFO to inform members of the fishing industry of all changes to licensing policy, through press announcements, regional newsletters and through the existing consultative process, allowing sufficient lead-time for fishermen to adjust to the new policy.

## CHAPTER SIX

### **6. TERMINOLOGY**

**Authorized Overlap:** refers to those specific areas beyond home sectors where inshore groundfish vessels less than 65 feet LOA are permitted to continue fishing as a result of the licence holder's home port being located in the extremities of their sector, specifically:

<u>Home Port Division</u>	<u>Authorized Overlap</u>
4T	4Vn
4Vn	4T
3Pn	3Ps
3Ps	3Pn
4RS	2J
2J	4RS

**Banking of Licences:** refers to the period of time following the loss or removal of a fishing vessel during which all licences issued in respect of that vessel will be reserved for the licence holder.

**Cubic Number** = Length (max) x Breadth (max) x Depth (max)

**Eastern Canada:** consists of the provinces of New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Quebec.

**Full-time Job:** is a job in which the individual is employed 12 months each year.

**Grandfather Clause:** refers to an allowable exemption to policy based on historic activity or procedure. Such an exemption would usually expire when a licence is reissued to another individual.

**Historic Overlap Privilege:** refers to those specific areas beyond home sectors where inshore vessels are permitted to continue fishing as a result of participation in those areas for two years within the period

1978-1980. (This qualifying period is extended to the years 1980 and 1981 when it can be shown that commitments were made to have a vessel replaced prior to 1980.)

**Length Overall:** means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the main hull of a vessel. Transom platforms extending beyond the stern of a vessel for the purposes of this policy will be considered part of the main hull of a vessel.

**Licences Split:** refers to the case where more than one limited entry privilege is held and the holder wishes to (a) use a separate vessel or vessels for one or more of these licences or (b) relinquish one of the privileges to another individual.

**Licensing Authority:** The Minister of Fisheries and Oceans.

**Resident:** means, in respect of a licence, a person who has resided continuously in the defined area for a period of not less than six months immediately preceding the time that residence becomes material for the purpose of licensing.

**Seasonal Recurring Job:** is a job in which the individual is employed on a regular basis each year during the defined fishing season (required period of time) for the area.

ANNEX I  
(2.2.1.1)  
REQUIRED ANNUAL PERIOD OF TIME TO BE CATEGORIZED AS A  
FULL-TIME FISHERMAN

NAFO DIVISIONS	AREA	ANNUAL PERIOD
1. 2GHJ	Cape Charles - Long Point (North Head in Table Bay) (Labrador)	June 01 - Sept. 30
	Long Point to Bluff head Cove, including Sandwich Bay (Labrador)	June 01 - Aug. 31
	Area North of Bluff Head Cove (Labrador)	July 01 - Sept. 30
2. 3K	Cape Bauld-Fogo Island (Nfld)	June 01 - Sept. 30
	Point Leamington Area, Stoneville to Carmanville (Nfld)	May 01 - Aug. 31
	Aspen Cove - Doating Cove	June 01 - Sept. 30
	Deadman's Bay - Lumsden (Nfld)	May 15 - Sept. 15
	Lumsden - Cape Freels (Nfld)	June 01 - Sept. 30
3. 3L	Cape Freels - Cape Race (Nfld)	May 15 - Oct. 15
	Portugal Cove South - St. Shotts (Nfld)	June 01 - Sept. 30
	Point LaHaye - Cape St. Mary's (Nfld)	May 01 - Sept. 30
4. 3Ps	Cape St. Mary's - Grandy Point (Nfld)	May 01 - Oct. 30
	Southeast Bight, Petite Forte and Monkstown (Nfld)	Apr. 01 - Sept. 15
	Boat Harbour - Corbin (Nfld)	May 01 - Oct. 30
	Little St. Lawrence - Point May (Nfld)	June 01 - Sept. 30
	Point May - Point Rosie (Nfld)	May 01 - Oct. 30
	St. Bernard's - English Hr. East	Apr. 01 - Sept. 30



<u>ANNEX I (Cont'd)</u>		
NAFO DIVISIONS	AREA	ANNUAL PERIOD
	Rencontre East (Nfld)	Jan. 01 - June 30
	Pool's Cove - Burgeo (Nfld) (fishing consistently for a minimum of 7 months)	Feb. 01 - Nov. 30
5. 4R3Pn	Grand Bruit - Cape Anguille	6 months
	Cape Anguille - Kippens	Apr. 15 - July 31
	Port aux Port - Cape St. Gregory	Apr. 15 - Aug. 31
	Cape St. Gregory - Barletts Harbour	May 01 - Oct. 31
	New Ferolle - Cape Bauld	June 01 - Oct. 31
	L'Anse Au Clair - Cape Charles	June 01 - Sept. 30
6. 4ST	Prince Edward Island, New Brunswick and Nova Scotia	10 weeks
	Gaspé Area	10 weeks
	Magdalen Island Area	9 weeks
	Northshore Area:	
	West of Saguenay River	10 weeks
	Tadoussac/Johan Bertz Bay	12 weeks
	Natashquan/Pointe Parent	10 weeks
	Kegaska/Blanc Sablon	12 weeks
7. 4VWX	Cape North, Victoria County, Nova Scotia to and including Queen's County, Nova Scotia	6 months
	Shelburne and Yarmouth Counties, Nova Scotia	8 months
	Digby County, Nova Scotia, and Annapolis County, Nova Scotia, to and including Parker's Cove	6 months
	East of Parker's Cove, Annapolis County, Nova Scotia to Saint John Harbour, New Brunswick including the Saint John River System	4 months
	West of Saint John Harbour, New Brunswick to U.S. Border	6 months

# ANNEX II

(2.4)

## LIMITED ENTRY FISHERIES

### DEPARTMENT OF FISHERIES AND OCEANS REGIONS

SPECIES	SCOTIA-FUNDY	QUEBEC	NEWFOUNDLAND	GULF
Bass (striped)	OA	P	N/A	X
Char	N/A	P	OA <sup>15</sup>	N/A
Gaspereau	X	P	N/A	X
Salmon	X	P	X	X
Silverside	N/A	N/A	N/A	X
Shad	X	P	N/A	X
Sturgeon	X	P	N/A	X
Trout	N/A	P	OA <sup>15</sup>	P
Eels	X <sup>1</sup>	P	X	X
Capelin	N/A	X	X <sup>19</sup>	X <sup>18</sup>
Herring	X <sup>2</sup>	X	X <sup>9</sup>	X
Mackerel	X	X	OA <sup>13</sup>	X
Shark	NL	NL	NL	NL
Swordfish	X <sup>4</sup>	N/A	N/A	X <sup>4</sup>
Tuna	X	X	X	X
Clams	NL <sup>5</sup>	NL <sup>5</sup>	NL	NL <sup>5</sup>
Crab (Snow)	X	X	X <sup>3</sup>	X
Crab (Other)	X	X	X	X
Lobster	X	X	X <sup>10</sup>	X
Mussels	NL	OA	NL	NL
Oysters	OA	OA	NL	X <sup>17</sup>
Scallops	X	X	X <sup>11</sup>	X
Sea Urchins	OA	OA	OA	OA
Shrimp	X	X	X	X
Squid	OA <sup>6</sup>	OA <sup>6</sup>	OA <sup>14</sup>	OA <sup>6</sup>
Smelt	OA	P	OA	X
Marine Plants	X <sup>7</sup>	X	NL	X
Seals	X	X	X	X
Groundfish	X <sup>8</sup>	X	X <sup>12&amp;8</sup>	X <sup>8</sup>
Whelk	OA	X	OA	OA

FOOTNOTE NUMBER - Number denotes specific limited entry requirements described in the next page

OA - Open Access

X - Limited Entry

N/A - Not Applicable to Area

NL - No Licence Currently Required

P - Provincially Administration

FOOTNOTES:

1. Limited Entry on Saint John River System only
2. Limited Entry except in Upper Bay of Fundy where new gillnet licences are being issued to recreational fishermen (1 net)
3. Except to full-time fishermen with vessels less than 35' LOA in NAFO Division 2J 3K 3Ps.
4. Limited Entry except for harpoon licences which can be issued to any full-time fisherman who holds another limited entry licence.
5. No Licence required except for mechanical and hydraulic harvesters where each application is ruled on separately.
6. Open access under 65' LOA providing applicant is licensed for same gear type eg. groundfish otter trawl may be licensed for squid otter trawl. No licence required for jigging from vessel under 65' LOA. Over 65' LOA requires HQ approval.
7. Drag rakes are Limited Entry - hand raking is open access.
8. Limited Entry except for handlines.
9. Herring bar seine and purse seine is limited entry; herring fixed gear licences available to full-time fishermen registered and licensed with Newfoundland Region with vessel under 65' LOA. Who have participated in a groundfish fixed gear fishery, as the head of an enterprise for the past 3 years.

10. Lobster Fishing Areas 4,5,10,11 are Limited entry; Open access in Areas 3,6,7,8,9 to full-time fishermen who have been licensed as such for the past 5 years and are residents of the above fishing areas with vessels under 35' LOA.
11. Limited entry for vessel 35' and greater LOA; open access for full-time fishermen registered and licensed with Newfoundland Region with vessel under 35' LOA.
12. Groundfish fixed gear licences open to all full-time fishermen registered and licensed with the Newfoundland Region with vessels under 35' LOA except in NAFO Division 3Ps where this fishery is limited entry controlled.
13. Mackerel fixed gear licences available to all fishermen registered and licensed with the Newfoundland Region with vessels under 65' LOA; mackerel purse seine and bar seine licences available to full-time fishermen registered and licensed with the Newfoundland Region with vessels under 65' LOA.
14. Open to all fishermen licensed and registered with the Newfoundland Region with vessels under 65' LOA.
15. Open to resident of Labrador who are not full-time employed (12 months per year)
16. Scuba Diving licence only without mechanical or hydraulic devices.
17. Limited Entry in P.E.I., Open Access to Bonafide fishermen only in N.S., Open access in New Brunswick.

18. Limited Entry except in Gulf Newfoundland where (a) open access for purse seine licence holders with vessels greater than 65 feet LOA equipped with refrigerated sea water systems; and (b) open access for fixed gear to full-time fishermen in Division 4R who hold fixed gear licences, own vessels less than 65 feet LOA and have participated as skippers in the groundfish fishery using fixed gear for the past three consecutive years.
19. Fixed gear licences open to all full-time fishermen who hold fixed gear licences, own vessels less than 65 feet LOA and have participated as skippers in the groundfish fishery using fixed gear for the past three consecutive years.



### ANNEX III

(2.5.1)

#### LICENCE SPLITS

<u>REGION</u>	<u>LICENCE(S) HELD BY LICENCE RECIPIENT</u>
Scotia-Fundy	Groundfish Lobster Scallop Herring (except gillnet trapnets and weirs)
Gulf	
Southern Gulf	All species
Western Nfld	Groundfish
Newfoundland	Groundfish
Quebec	Groundfish Lobster Crab Scallop

### ANNEX IV

(2.7)

#### PARTICIPATION REQUIREMENTS

<u>REGION</u>	<u>FISHERY</u>	<u>REQUIREMENT</u>
Gulf	Bonafide Fisherman's Licensing Policy	Bonafide fishermen are allowed to hold their licences for a maximum of five (5) years without having to participate in the fishery.
Quebec	Lobster Areas 15, 16 and subarea 18F	minimum of 500lb (227Kq) in 1986 or 1987

ANNEX V

(4.1)

APPEAL COMMITTEE STRUCTURE

FIRST LEVEL	CATEGORIZATION APPEAL AREA	LICENSING APPEAL AREA
(1) Committee Composition:	4 Fishermen 1 Independent 1 DFO representative (non-voting)	5 DFO Representatives
(2) Reports to:	Area Manager/Director	Area Director/Area Manager

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SECOND LEVEL	REGIONAL	REGIONAL
(1) Committee Composition:	5 Independents/ 4 independents, 1 full-time fisherman 1 DFO representative (non-voting)	Senior Dept. Staff
(2) Reports to:	Regional Director General	Regional Director General

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THIRD LEVEL	Atlantic Fisheries Licence Appeal Board	Atlantic Fisheries License Review Board
(1) Committee Composition:	1 Chairperson appointed by the Minister  2 Persons from each Atlantic Province  1 (Non-voting) Departmental Officer	1 Chairperson appointed by the Minister  2 Persons from each Atlantic Province  1 (Non-voting) Departmental Officer
(2) Reports to:	Minister of Fisheries and Oceans	Minister of Fisheries and Oceans



ANNEX V1  
ANNEXE V1

SUBAREAS AND  
DIVISIONS OF THE  
NAFO CONVENTION  
AREA

SOUS-ZONE ET  
DIVISIONS DE LA ZONE  
DE LA CONVENTION  
DE L'OPANO

Boundary of Convention Area ——— 1. mile de la zone  
Boundary of Subareas ——— limites des sous-zones  
Boundary of Divisions ——— limites des divisions  
Depth contour 100 fath (183 m) ... Isobathe de 100 brasses (183m.)





















